

**[CHAPTER 448F]
ELECTROLOGISTS**

SECTION

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[§448F-1] Purpose. The purpose of this chapter is the protection of public health and safety through the licensing and regulation of electrologists.

[§448F-2] Definitions. As used in this chapter:

"Department" means the department of commerce and consumer affairs.

"Director" means the director of commerce and consumer affairs.

"Electrologist" means any person who removes hair from the human body using a needle inserted in the hair follicle and uses direct electric current or shortwave alternating current to destroy the follicle but does not include any hair removal system that does not penetrate the skin.

[§448F-3] License required. Except as otherwise provided by law, no person shall practice the occupation of electrologist in this State either gratuitously or for pay, or shall announce oneself either publicly or privately as prepared or qualified to practice this occupation without having a license issued by the department pursuant to this chapter.

[§448F-4] Regulation of electrologists. (a) In addition to any other powers and duties authorized by the law, the department pursuant to chapter 91, may adopt rules as it deems necessary for the public health or safety relating to, but not limited to:

- (1) The education, training, experience or qualifications required to obtain a license under this chapter;

- (2) The practices, standards, or conduct of persons holding a license under this chapter;
and

- (3) The use of anesthetic injections, topical anesthetics, other medications, and prescription drugs.
- (b) The department shall receive the assistance of the department of health in formulating rules relating to subsection (a)(3). All matters relating to the establishment and enforcement of sanitation requirements shall be under the jurisdiction of the department of health.

[§448F-5] Examination, fees required. (a) No license shall be issued unless the applicant takes an examination as prescribed by the director and receives a passing score. No license shall be issued unless all fees required by the director have been paid.

(b) The department may contract with a professional testing service to prepare, administer, and grade the examination for licensure as an electrologist. For these purposes, the department may require applicants to pay the examination fee directly to the testing service.

§448F-6 Denial of licensure. No applicant shall be licensed as an electrologist if:

- (1) The applicant has been convicted of a crime and the basis of denial of licensure falls within the exceptions provided in section 831-3.1;
- (2) The applicant has been declared mentally incompetent by any court and the decree has not since been dismissed; or
- (3) Proceedings brought against the applicant pursuant to this section resulted in findings of any of the causes listed in section 448F-7(b).

§448F-7 Refusal to permit examination or issue license; discipline; complaints; grounds; proceedings; hearings. (a) In addition to any other actions authorized by law, the director shall have the power to refuse to admit persons to its examinations or to issue or to renew a license, to revoke, limit, condition, or suspend a license as an electrologist and to fine or otherwise discipline a licensed electrologist for any cause authorized by law, including but not limited to any violation of subsection (b).

(b) The department shall have the power to accept, investigate, prosecute, and hear complaints regarding any person, who is a licensed electrologist regarding any ground for disciplinary actions authorized by law, including but not limited to the following:

- (1) Unfitness or incompetence by reason of negligence, habits, or other causes regardless of whether actual damage or damage to the public is established;
- (2) Habitual intemperance, addiction, or dependency on alcohol or other habit-forming substances;
- (3) Mental incompetence resulting in an inability to practice as an electrologist;
- (4) Submitting to or filing with the department any application, notice, statement, or other document in procuring or attempting to procure licensure as an electrologist, which is false or untrue or contains any material misstatement of fact;

- (5) Using the title, licensed electrologist, or any designation tending to imply that the person is a licensed electrologist when the person is not in fact licensed or the person's license has been suspended or revoked;
- (6) Violating conditions or limitations upon which licensure is granted;
- (7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm an individual or the public in the course of professional services or activities;
- (8) Having disciplinary action taken against the electrologist in another state;
- (9) Aiding or abetting an unlicensed person, knowingly combining or conspiring with an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as agent or associate of an unlicensed person to evade the use of title restrictions of this chapter;
- (10) Engaging in false or misleading advertising;
- (11) Engaging in sexual conduct in connection with professional services or activities; or
- (12) Violating chapter 321 relating to the department of health, or any rule adopted thereto.

[§448F-8] Penalties. (a) Any person against whom proceedings have been brought pursuant to section 448F-7 which resulted in findings of any of the causes listed in section 448F-7(b) may be assessed a fine of not less than \$100 nor more than \$5,000 for each offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.

(b) The director may bring a civil action to enjoin any person for violation of section 448F-7.

[§448F-9] Biennial renewal; failure to renew. The biennial renewal fee shall be paid to the department of commerce and consumer affairs on or before December 31 of each even-numbered year. Failure, neglect, or refusal of any licensee to pay the biennial renewal fee on or before such date shall constitute a forfeiture of the license.

§448F-10 REPEALED.

[§448F-11] License without necessity of examination. All persons holding valid licenses as electrologists from the department of health and practicing on the day prior to June 25, 1990, shall be considered licensed under this chapter on June 25, 1990, without necessity of examination.